

2008 Legislative Session Wrap-Up

The 2008 legislative session came to an end, with relatively few bills passed relating to Missourians with disabilities. Here is a summary of some of the key disability and assistive technology-related bills and appropriations during the 2008 legislative session. Bills that passed must still be signed by the Governor to become law. The summary is divided into three sections: Bills that passed, Appropriations, and Bills That Did Not Pass.

BILLS THAT PASSED

AUTISM COMMISSION & AUTISM OFFICE

SB 768 - Rupp

The bill establishes the Missouri Commission on Autism Spectrum Disorders and the Office of Autism Services in the Department of Mental Health.

The membership of the Commission includes 24 members. All members except the legislators will be appointed by the Governor with advice and consent of the Senate. The Commission is charged with making recommendations for a comprehensive state plan for autism training, treatment and services and must issue preliminary findings and recommendations to the general assembly by July 1, 2009. The Office of Autism Services is charged with providing leadership in program development for children and adults with autism including the establishment of program standards and coordination of program capacity.

DISABLED VETERAN PREFERENCE

HB 1313 - Wright

Under the bill, businesses that have a majority ownership and are managed by veterans with service-related disabilities are to be given a preference when bids are let by state agencies or by political subdivisions. During hearings, testimony was presented to extend such a preference not only to veterans, but to all disability-owned businesses, but there no amendments were offered to do so.

NAME CHANGE FOR STATE SCHOOLS

HB 1807 - Mayer

The bill renames the "State Schools for Severely Handicapped Children" is to "State Schools for the Severely Disabled".

GOVERNORS COUNCIL ON DISABILITY

HB1689 - Wilson

The bill officially transfers the Governor's Council on Disability to the Office of Administration (OA). The Governor's Council has been assigned to OA for the past few years but the authorizing statute still reads Department of Labor and Industrial Relations. This bill codifies the current administrative assignment for the Council.

APPROPRIATIONS

DEPARTMENT OF SOCIAL SERVICES HB 2011

There were very few changes in the Social Services budget that will have an impact for persons with disabilities. Among key items for FY09 for Missouri Medicaid (HealthNet):

ELIGIBILITY LIMITS - There were no substantial efforts made by legislators to increase the HealthNet income eligibility level from its current 80% of the poverty level for recipients who are elderly or disabled.

THERAPIES - The House included funds in the budget to cover therapies (occupational, physical and speech) for adult HealthNet recipients, but the Senate did not. The conference committee took the Senate position, so therapy coverage for adults was not funded.

DENTAL and VISION - Neither the House or Senate included funds in the budget to restore coverage of dental or vision services for adults.

HEARING AIDS - There were no substantial efforts made by legislators to restore coverage of hearing aids for adults.

INSURE MISSOURI - Funds were not appropriated to fund the Governor's proposal for health care coverage of some low-income Missourians (\$25 million GR, \$257 million federal, \$113 million other funds). The Senate did include the funding in its budget, but the House did not. The appropriation was not funded by the conference committee so did not pass.

PROVIDER RATE INCREASES - There were several provider rate increases that were funded in the budget. Among these were a small home health rate increase, a dental rate increase, a rate increase for optometry, and a residential treatment rate increase. Physicians received a rate increase totaling \$15 million GR and \$24.2 million Federal.

SCHIP - Funds were included in the budget for an item to allow children to be eligible for SCHIP coverage even if they have private insurance coverage if the child has pre-existing conditions not covered by the private insurance or if the child has exhausted the lifetime limits under the private insurance.

REHABILITATION SERVICES FOR THE BLIND AND BLIND PENSION are shown below along with the previous three year's appropriations. The monthly benefit for blind pension is changing from \$575 to \$609. Other appropriation amounts are level

with an increase in administration tied to the pay plan for staff salaries.

Blind Pension

FY06 = \$22,901,889 (blind pension dollars)

FY07 = \$24,272,802 (blind pension dollars)

FY08 = \$25,804,530 (blind pension dollars)

FY09 = \$27,295,396 (blind pension dollars) (\$1,490,866 increase)

RSB Services

FY06 = \$5,084,732 federal, \$1,549,919 blind pension, \$99,995 (donated)

FY07 = \$5,083,258 (fed), \$1,549,503 (pension), \$99,995 (donated)

FY08 = \$6,372,075 (fed), \$1,737,081 (pension), \$99,995 (donated), \$250,000 (BEST) = \$8,459,151 total

FY09 = \$6,372,075 (fed), \$1,737,081 (pension), \$99,995 (donated), \$250,000 (BEST) = \$8,459,151 total

RSB Administration

FY06 = \$3,565,157 federal, zero GR, \$1,020,389 blind pension

FY07 = \$3,670,207 federal, \$33,108 GR, \$1,056,185 blind pension

FY08 = \$3,773,536 (fed), \$58,583 (GR), \$1,082,427 (pension) = \$4,914,546

FY09 = \$3,798,473 (fed), \$85,114 (GR), \$1,109,455 (pension) = \$4,993,042

DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION HB 2002

Increases for FY09 were approved for the High Need Fund, Sheltered Workshops, Early Childhood Special Education, Independent Living Centers, and First Steps. The appropriation for Blind Skills Specialists was decreased. The Missouri Assistive Technology appropriation request for \$100,000 to support the purchase of equipment for the short term loan program inventory did not make it into the final bill.

High Need Fund (prior years Excess Costs/Severe Disabilities Fund)

FY06 = \$6,000,000 (state), unknown (federal)

FY07 = \$12,060,000 (state)

FY08 = \$18,090,000 (state)

FY09 = \$ 21,011,563 (state) (\$2,921,563 increase)

Reimbursements for Publicly Placed Students

FY06 = 10,099,337 (state)

FY07 = 10,099,337 (state)

FY08 = 10,099,337 (state)-allowed 96% reimbursement level

FY09 = 10,099,337 (state)

Sheltered Workshops

FY06 = \$18,598,625 (GR)
FY07 = \$18,598,625 (GR)
FY08 = \$18,598,625 (GR)
FY09 = \$21,198,354 (GR) (\$2,599,729 increase)

Readers for the Blind

FY06 = State School Fund - \$25,000
FY07 = \$25,000
FY08 = \$25,000
FY09 = \$25,000

Blind Literacy Task Force and Blind Skills Specialists

FY06 = \$95,000 General Revenue, unknown other
FY07 = \$165,000 (\$70,000 increase)
FY08 = \$245,000 (GR)
FY09 = \$237,950 (GR) (\$7050 decrease)

Early Childhood Special Education

FY06 = \$96,311,209
FY07 = \$96,311,209
FY08 = \$96,311,209
FY09 = \$98,811,209 (\$2,500,000 increase)

Independent Living Centers -

FY05 = 2,156,486 (GR), 1,592,546 (federal), 590,556 (IL Fund)
FY06 = 2,156,486 (GR), 1,592,546 (federal), 590,556 (IL Fund)
FY07 = 2,581,486 (GR), 1,592,546 (fed), 390,556 (IL)
FY08 = 3,141,486 (GR), 1,292,546 (fed), 390,556 (IL)
FY09 = 3,416,486 (GR), 1,292,546 (fed), 390,556 (IL) (275,000 increase)

First Steps

FY05 Supplemental = GR increase of 5,552,794 (replaces "new fund")
FY06 = 13,050,703 (GR), 11,085,481 (fed/EC), 2,000,000 (new fund)
FY06 Supplemental +2,000,000 (federal) 1,100,000 (new fund) (- 900,000)
FY07 = \$14,650,703 (GR), \$7,761,583 (federal), \$5,673,898 (EI Fund)
FY08 = \$14,650,703 (GR), \$7,761,583 (federal), \$5,673,898 (EI Funds)=
\$28,086,184
FY09 = \$15,590,703 (GR), \$7,761,583 (federal), \$5,673,898 (EI Funds)=
\$29,026,184
(\$890,000 core transfer from DMH and \$50,000 increase)

BILLS THAT DID NOT PASS

HOME ACCESS TAX CREDIT

SB 717 - Kennedy /HB 1345 - Portwood

These bills would have lifted the current statewide \$100,000 cap for the income tax credit to help individuals afford home access improvements. The tax credit was passed in 2007 to help home owners offset expenses incurred to make their home accessible. After \$100,000 in tax credits are claimed statewide on a first-come, first-served basis, no additional persons will be able to claim the credit. During the session, the measure to lift the cap made it in to a number of bills, but did not remain in any that passed.

ACCESSIBLE TEXTBOOKS

SB 719 - Kennedy / HB 1345 - Jones

This bill would have required that publishers or vendors of print instructional materials make electronic files of the materials available at no cost to schools purchasing the print materials, along with the right to reproduce and distribute the materials in specialized formats, such as Braille, large print, digital audio and electronic text. The bill would have applied to elementary and secondary schools as well as post-secondary schools. The intent of the bill was to make certain that students unable to use standard print due to a disability received alternative formats in a timely manner. The House bill received a hearing, while the Senate bill did not. The bills died in the face of opposition from the publishers.

There was also an effort made to include language in Rep. Zimmerman's HB 2048 that would require publishers to provide information about the availability of alternative formats for college textbooks. While HB 2048 passed, the accessible textbook language was not included due to opposition by the publishers.

HEARING AID INFORMATION

HB 1662 - Deeken

This bill would have required audiologists and hearing instrument specialists to provide prospective purchasers of hearing aids with information about magnetic coupling options available in hearing aids and their proper use and also provide information about Missouri's Telecommunications Equipment Distribution program (TAP). The bill had a hearing and was combined with several other bills but did not get to the House floor.

CAPTIONING TV NEWS

SB 920 - Rupp / HB 1917 - Sanders

Both bills would have required that all Missouri television stations with gross revenues over \$3 million a year to provide real-time captioning of all local news, weather and sports programming. The House bill also would have provided a tax credit of up to \$5,000 to a taxpayer for providing the real-time captioning. A hearing was not held for either bill.

HEALTH INSURANCE COVERAGE FOR PROSTHETICS

SB 789 - Griesheimer/ HB 2100 - Cooper

The Senate bill would have required private health insurance coverage for computerized arm and leg prosthetics. This bill was combined with SB 1122 (autism coverage) and was voted out of committee but advanced no further. The House bill would have required health insurers to cover artificial limbs or any prosthetic that would replace in whole or in part an arm, leg, or eye. This bill did have a hearing, but no committee vote.

HEALTH INSURANCE COVERAGE FOR AUTISM

HB 1753 - Lampe / SB 1122 - Ridgeway

These bills and several others would have required private health insurance coverage for autism spectrum disorder. The Senate bill was voted do pass out of committee, but advanced no further. None of the bills requiring coverage passed.

MEDICAID (HealthNet) COVERAGE OF DAY HABILITATION

SB 972 -Stouffer

This bill would have required Missouri HealthNet to cover comprehensive day habilitation services for individuals with traumatic brain injury. The bill was heard and voted do pass out of committee, but advanced no further.

SPECIAL EDUCATION DUE PROCESS/ BINDING RESOLUTION

HB 1876/1877 Cunningham / SB1225/1226 Mayer

These bills would have aligned state law with IDEA regulations by making the 5 day disclosure requirement apply to all hearings including expedited due process and providing boards of education with the authority to designate an individual who can bind the district to a settlement in a resolution session. As in the 2007 session, both of these bills passed their respective chambers, but neither was finally passed.

SCHOLARSHIP/VOUCHER PROGRAMS FOR STUDENTS WITH DISABILITIES

SB 770 - Rupp / SB 993 - Crowell / HB 1554 - Hughes / HB 1886 - Scharnhorst

These bills would have established income tax credit programs to pay for all or part of tuition and fees at a public or private school for students with disabilities who have IEPs. The bills were varied in terms of standards required of the accepting schools. None required that the schools meet all IDEA requirements. The bills were similar to previous voucher/scholarship bills introduced in past sessions, but these bills were limited to students with IEPs. While some of the bills received floor debate, none were passed to move over to the other chamber.

SPECIAL EDUCATION TEACHERS SALARIES

SB 827 - Smith

The bill would have allowed metropolitan school districts to offer an increased starting salary to special education teachers as well as teachers of several other disciplines. The bill did not receive a hearing.

SPECIAL EDUCATION PUPIL COUNT

SB 1047 - Vogel

This bill would have changed the definition of "special education pupil count" in the foundation formula by including IDEA eligible nonpublic students served by the school district in which the nonpublic school is located. According to the fiscal note, the bill would have had about \$7.3 million in costs statewide, with St. Louis County Special School District receiving about \$6 million of the increase. The bill was voted do pass out of committee, and was amended onto several other bills, but did not pass.

AUTISM SPECIAL EDUCATION REQUIREMENTS

HB 2304 - Lampe / HB 2376 - Grisamore

These bills would have required 1) all teachers to have course content related to students with disabilities (including autism) and gifted students, 2) DESE to produce and provide an IEP informational document and procedural safeguards document for use by districts, 3) MACCE to make recommendations for educator training and professional development for best practices in serving students with autism, 4) DESE to appoint an autism ombudsman, identify best practices for serving students with autism, and identify an autism specialist at each regional professional development center, 5) DESE to establish a network of Early Childhood centers to serve children with autism (subject to appropriations), 6) a new fund be established to provide training to school staff to serve students with disabilities and all educators to have such training and if the fund is insufficient, to allow for a tax credit for participants, and 7) creation of an Autism Commission (comparable to SB 768). This bill did not receive a hearing.

NAME CHANGE FOR DIVISION OF MR/DD

SB 756 - Engler / HB 1627 - Portwood / HB 2032 - Young / HB 2076 - Gris

These bills would have changed the name of the "Division of Mental Retardation and Developmental Disabilities" to the "Division of Developmental Disabilities". The measure was widely supported in the House and Senate, but a small number of Senators had several constituents who opposed the change. The measure was filibustered in the Senate, and did not have the chance to come to a vote in the Senate.

CAPITOL ACCESS

SB 848 - Shoemyer

This bill would have required that all offices in the State Capitol building be readily accessible and usable by persons with disabilities. The estimated cost to make all offices accessible was from \$50 to \$150 million. This bill had a hearing but went no further.

FOSTER CARE AND PUBLICALLY PLACED STUDENTS

SB 1000 - Justus

This bill that would have entitled students in foster care or placed in a licensed residential care facility to a full school day (six hours) of education unless the school district determines that fewer hours are warranted. The student's family support team would be able to seek mediation if it disagreed with the school district's determination of the length of school day. The bill did not exempt IDEA students. The bill was voted

out of committee and was amended onto several other bills, but did not pass.

SALES TAX EXEMPTION OF VEHICLE ACCESS MODIFICATIONS

HB1679 - Meiners

The purpose of this bill was to deal with situations where an individual is buying a used vehicle with access modifications (such as a wheelchair lift) from another individual. Vehicle access modifications are exempt from sales tax, but unless there is a separate invoice or some documentation, the buyer ends up paying sales tax on the vehicle and the access modifications. Since the exemption is already law, it became apparent that the problem is an issue of educating individual sellers and buyers rather than anything that can be addressed through legislation. As a result, the bill did not receive a hearing. The Department of Revenue now has included a brief statement on the issue under their motor vehicles website: <http://dor.mo.gov/mvdl/motorv/>

SALES TAX EXEMPTION ON EYE GLASSES

HB 1955 - Bivens

This bill would have added eyeglasses to the list of items exempt from sales tax in Missouri. It did not receive a hearing.

VOTING MACHINES

HB 1821 - Bowman / SB 1267 - Bray

The House bill would have required verified paper records for all electronic voting machines in Missouri. The Senate bill would have banned direct recording electronic voting systems except in polling places that do not have an alternative "accessible" system that complies with the Help America Vote Act. Unfortunately, there are currently no voting machines that produce a verifiable paper record that also meet accessibility standards for voters with all types of disabilities. Neither bill had a hearing.

ACCESSIBLE PARKING SIGNS

HB1664 - Young

This bill would have required all new signs erected after August 28, 2008 to use the words "Accessible Parking" rather than "Handicapped Parking". This bill did not receive a hearing.

PEOPLE FIRST LANGUAGE

HB2083 - Young

This bill would have required that all legislation, resolutions, signs etc. use respectful language (such as person first language) when referring to persons with disabilities. The bill did not have hearing.

DEAF AND HARD OF HEARING CHILDRENS BILL OF RIGHTS

HJR 19 - Sander

This resolution outlined the rights of children who are deaf and hard of hearing, particularly in an educational setting. The resolution passed the House but not the

Senate.